

04/21/05

IFW/RCE

Practitioner's Docket No. 55532-RCE (70551)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: S. Kimura, et al.  
Application No.: 09/757,294                      Group No.: 2157  
Filed: January 9, 2001                      Examiner: Osman, Ramy M.  
For: NETWORK SYSTEM TRANSMITTING DATA TO MOBILE TERMINAL,  
SERVER USED IN THE SYSTEM, AND METHOD FOR TRANSMITTING  
DATA TO MOBILE TERMINAL USED BY THE SERVER

**Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**CERTIFICATION FILING VIA EXPRESS MAIL UNDER 37 C.F.R. 1.10\***

I hereby certify that this correspondence and the documents indicated as being attached thereto are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, Express Mail Mailing Label No. **EV 492341707 US** under 37 C.F.R. 1.10 in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2005.

Kathryn A. Grindrod  
(type or print name of person mailing paper)  
Kathryn A. Grindrod  
Signature of person mailing paper

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (*check appropriate item(s) below*):

- i.     ☒     Prior to abandonment of the application
- ii.    ☐     Payment of the issue fee
  - ☐     Prior to payment of issue fee
  - ☐     Issue fee has been paid but a petition under Section 1.313 has been granted
- iii.   ☐     Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐     A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

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- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145  
☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

### ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. Section 1.98)  
☐ Form PTO-1449 (PTO/SB/08A and 08B)  
☒ An amendment  
☐ New arguments  
☐ New evidence in support of patentability-  
☐ Other:

### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$395.00  
☒ Other than a small entity \$790.00

Continued Prosecution Request Fee \$ 790.00

### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR Rate Addit. Fee
Total	24	Minus	24	= 0	x \$ 9	\$0	x \$18 = \$-0-
Indep.	6	Minus	6	=0	x \$44 =	\$0	x \$88 = \$-0-
<input type="checkbox"/> First Presentation of Multiple Dependent Claim					+ \$150 =	\$0	+ \$300 = \$
							Total Addit. Fee \$-0-

(complete (c) or (d), as applicable)

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$ \_\_\_\_\_.

### EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for (months)</u>	<u>Fee for small entity</u>	<u>Fee for other than small entity</u>
<input type="checkbox"/> one month	\$ 60.00	\$ 120.00
<input checked="" type="checkbox"/> two months	\$ 225.00	\$ 450.00
<input type="checkbox"/> three months	\$ 510.00	\$ 1,020.00
<input type="checkbox"/> four months	\$ 795.00	\$ 1,590.00
	Fee	\$ <u>450.00</u>

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE(S) DUE

**WARNING:**      *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>790.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>450.00</u>
Total Fee(s) Due:	\$ <u>1,240.00</u>

### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

<input type="checkbox"/> Check is attached for the sum of	\$ _____
<input checked="" type="checkbox"/> Charge Account <u>04-1105</u> the sum of	\$ <u>1,240.00</u>
<input type="checkbox"/> Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

<input checked="" type="checkbox"/> Account <u>04-1105</u> .
<input type="checkbox"/> Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### INVENTORSHIP

9. This application as amended names as inventors:

<input checked="" type="checkbox"/> the same inventors as previously designated for the claims.
<input type="checkbox"/> fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
☐ being filed  
☐ been filed

Date: April 19, 2005

David A. Tucker  
**SIGNATURE OF PRACTITIONER**

Reg. No. 27,840

David A. Tucker  
*(type or print name of practitioner)*  
Attorney for Applicant(s)

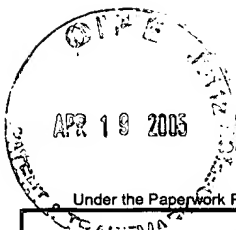
Tel. No.: (617) 517-5508

Edwards & Angell, LLP  
P.O. Box 55874  
P.O. Address

Customer No.: 21874

Boston, MA 02205

487370



<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>  <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>  <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>	
		Application Number	09/757,294-Conf. #6805
		Filing Date	January 9, 2001
		First Named Inventor	Shinya Kimura, et al.
		Examiner Name	Ramy M. Osman
		Art Unit	2157
<b>TOTAL AMOUNT OF PAYMENT</b>		(\$)	1,240.00
		Attorney Docket No.	5553-RCE (70551)

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 04-1105
Deposit Account Name: Edwards & Angell, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<u>Fee Description</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>					
Each claim over 20 (including Reissues)	50	25					
Each independent claim over 3 (including Reissues)	200	100					
Multiple dependent claims	360	180					
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>			
_____ - 20 = _____	x _____	= _____		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>				
_____ - 3 = _____	x _____	= _____					
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____				
<b>4. OTHER FEE(S)</b>							
							<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1252 Extension for response within second month							450.00
1801 Request for continued examination (RCE) (see 37 ...							790.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	27,840
Name (Print/Type)	David A. Tucker	Telephone	(617) 517-5508
		Date	April 19, 2005



Attorney Docket No. 55532 RCE (70551)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: S. Kimura, et al. GROUP: 2157  
SERIAL NO.: 09/757,294 EXAMINER: Osman, Ramy M.  
FILED: January 9, 2001  
FOR: NETWORK SYSTEM TRANSMITTING DATA TO MOBILE  
TERMINAL, SERVER USED IN THE SYSTEM, AND METHOD  
FOR TRANSMITTING DATA TO MOBILE TERMINAL USED  
BY THE SERVER

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**CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express Mail, Post Office to Addressee service (**Express Mail Label No. EV 492341707 US**) under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 19, 2005.

By: Kathryn A. Grindrod  
Kathryn A. Grindrod

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MAIL STOP: RCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

**AMENDMENT ACCOMPANYING REQUEST FOR  
CONTINUED EXAMINATION UNDER 37 CFR 1.114**

This Amendment constitutes the required submission accompanying the Request for Continued Examination filed concurrently herewith. Specifically, Applicants respectfully request that the subject application be amended as follows prior to its further substantive examination.